

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, JULY 25, 2000  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Mayor Golding at 10:36 a.m. The meeting was recessed by Mayor Golding at 12:14 p.m.

The meeting was reconvened by Mayor Golding at 2:17 p.m. with Council Member Vargas not present. Mayor Golding convened the Redevelopment Agency to meet simultaneously with the Council Meeting at 4:16 p.m. Mayor Golding adjourned the meeting at 4:18 p.m.

**ATTENDANCE DURING THE MEETING:**

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-not present

Clerk-Abdelnour (er/rl)

FILE LOCATION:                      MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-not present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Ethel Murphy regarding the De Anza Cove Community and the article which appeared in the Beach & Bay Press on July 6, 2000. Ms. Murphy stated she believes the comments in the paper are cruel, unkind, and cutting.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A014-042.)

PUBLIC COMMENT-2:

Comment by Don Stillwell regarding the traffic problem on Ash Street. Mr. Stillwell recommended a right turn on Ash Street going west.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A044-068.)

PUBLIC COMMENT-3:

Comment by Mel Shapiro regarding public finance of elections. Mr. Shapiro stated that on November 22, 1999, Council directed that a task force be formed of persons that have election knowledge and experience and persons that do not. He stated that this direction was never carried out.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A069-088.)

PUBLIC COMMENT-4:

Comment by Ken Loch on his state of homelessness.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A090-109.)

COUNCIL COMMENT:

None.

ITEM-330: Annual Appropriation Ordinance.

**CITY MANAGER'S RECOMMENDATION:**

Introduce and adopt the following ordinance:

(O-2001-1) INTRODUCED AND ADOPTED AS ORDINANCE  
O-18827 (New Series)

Introduction and adoption of an Ordinance adopting the Annual Budget for the Fiscal Year 2000-01 and appropriating the necessary money to operate the City of San Diego for said fiscal year.

**NOTE:** Today's action is the second public hearing and introduction and adoption of the Ordinance. See Item 201 on the docket of Monday, July 24, 2000 for the first public hearing.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: A344-380.)

MOTION BY WEAR TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-not present, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-331: Four actions related to Police Regulated Businesses.

(See City Manager Report CMR-00-146.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinances:

Subitem-A: (O-2001-3) RETURNED TO THE CITY MANAGER

Introduction of an Ordinance amending Chapter III, Article 3, Division 35, of the San Diego Municipal Code by repealing Section 33.3501; amending and renumbering Section 33.3502 to 33.3501; repealing Section 33.3503; amending and renumbering Sections 33.3504, 33.3520 and 33.3521 to 33.3502, 33.3503 and 33.3504; adding new Sections 33.3505 and 33.3506; amending and renumbering Sections 33.3522 and 33.3523 to 33.3507 and 33.3508; amending and renumbering Sections 33.3530 and 33.3531 to 33.3509 and 33.3510; adding new Sections 33.3511 and 33.3512; amending and renumbering Section 33.3532 to 33.3513; adding new Section 33.3514; amending and renumbering Section 33.3540 to 33.3515; adding new Sections 33.3516, 33.3517, 33.3518, 33.3519, 33.3520, 33.3521, 33.3522 and 33.3523; repealing Section 33.3524; adding new Sections 33.3524, 33.3525, 33.3526, 33.3527, 33.3528 and 33.3529; repealing Sections 33.3533, 33.3541, 33.3542, 33.3550, 33.3551, 33.3552, 33.3553, 33.3554, 33.3555 and 33.3556; all relating to Massage Business and Massage Therapists.

Subitem-B: (O-2001-5)      RETURNED TO THE CITY MANAGER

Introduction of an Ordinance amending Chapter III, Article 3, of the San Diego Municipal Code by creating a new Division 44 entitled "Holistic Health Practitioners" and adding Sections 33.4401, 33.4402, 33.4403, 33.4404, 33.4405, 33.4406, 33.4407, 33.4408, 33.4409, and 33.4410 relating to Holistic Health Practitioners.

Subitem-C: (O-2001-4)      RETURNED TO THE CITY MANAGER

Introduction of an Ordinance amending Chapter III, Article 3, of the San Diego Municipal Code by adding Division 8 entitled "After-Hours Permits" and ,Sections 33.0801, 33.0802, 33.0803, 33.0804, 33.0805, 33.0806, 33.0807, 33.0808, 33.0809, 33.0810, 33.0811, 33.0812, 33.0813, 33.0814, 33.0815, 33.0816, and 33.0817, relating to an After-Hours Permit.

Subitem-D: (O-2001-2)      RETURNED TO THE CITY MANAGER

Introduction of an Ordinance amending Chapter III, Article 3, of the San Diego Municipal Code by renaming Article 3 to "Police-regulated Occupations and Businesses," amending Division 1 by amending Section 33.0101; adding a new Section 33.0102; amending and renumbering Section 33.0102 to 33.0103; repealing Sections 33.0104 and 33.0105; adding a new Section 33.0104; amending and renumbering Section 33.0103 to 33.0105; repealing Sections 33.0106 and 33.0107; adding new Sections 33.0106, 33.0107, 33.0108 and 33.0109; amending Section 33.0201; repealing Sections 33.0202, 33.0204 and 33.0208; adding a new Section 33.0202; renaming Division 3 to "Applications for Permits," amending Division 3 by repealing Section 33.0301; amending and renumbering Section 33.0302 to 33.0301; adding new Sections 33.0302 and 33.0303; amending and renumbering Sections 33.0303 and 33.0304 to 33.0304 and 33.0305; Repealing Sections 33.0305 and 33.0306; adding new Sections 33.0306 and 33.0307; repealing Section 33.0308; amending and renumbering Section 33.0307 to 33.0308; adding new Section 33.0309; repealing Section 33.0310; adding new Sections 33.0310, 33.0311, 33.0312 and 33.0313; amending Division 4 by renaming the Division to "Penalties and Regulatory Action"; repealing Section 33.040 1; adding new Sections 33.0401, 33.0402, 33.0403, 33.0404, 33.0405 and 33.0406; amending Division 5 by renaming the Division to "Appeal Rights and Procedures"; amending Sections 33.0501 and 33.0502, adding new Sections 33.0503, 33.0504, 33.0506, 33.0507 and 33.0508; all relating to Police Regulated Business Regulations.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S  
RECOMMENDATION:**

Holistic Health Practitioners and Massage Therapists:

(See Heather Pfeiffer's April 13, 2000, letter; Vickie Lee Coats' April 12, 2000, letter; Mounque Barazone's April 12, 2000, letter; Specified Anatomical Areas; Massage Ordinance.)

On 4/19/2000, PS&NS voted 4-0 to approve the City Manager's recommendations including direction to:

1. Increase training requirements for Holistic Health Practitioners to 1,000 hours.
2. Require certification of Holistic Health Practitioners by a national professional certification organization approved by the Chief of Police.
3. Increase training requirements for Massage Therapists to 500 hours.
4. Require Massage Therapists and Holistic Health Practitioners to complete 12 hours of continuing education each year.
5. Allow for exemptions to the hours of operation stipulation for special events when preapproved by the Chief of Police or designee.
6. Convene a public input session regarding the regulatory needs and desires of these professions at least once a year.

(Councilmembers Warden, Mathis, Stevens, and Stallings voted yea. Councilmember Wear not present.)

After-Hours Permits:

(See Luth Research Report)

On 4/19/2000, PS&NS voted 3-1 to approve the City Manager's recommendations with direction to the City Manager to amend language in the ordinance covering After-Hours Permits to set safeguards for existing and permitted after-hours operations that would require disclosure regarding the permitted after-hours operation from adjacent property owners to prospective tenants or buyers. (Councilmembers Warden, Mathis, and Stallings voted yea. Councilmember Stevens voted nay. Councilmember Wear not present.)

General Divisions:

On 5/3/2000, PS&NS voted 4-1 to accept the City Manager and City Attorney's recommendation. (Councilmembers Warden, Mathis, Wear, and Stallings voted yea. Councilmember Stevens voted nay.)

FILE LOCATION: SUBITEMS A, B, C, & D: NONE

COUNCIL ACTION: (Tape location: A114-340.)

MOTION BY KEHOE TO RETURN THIS ITEM TO THE CITY MANAGER. STAFF IS REQUESTED TO RETURN AT A LATER DATE WITH THE CHANGES TO THE ADMINISTRATIVE REGULATIONS, ORDINANCES, AND THE FEE STRUCTURE. DIRECT THE CITY ATTORNEY TO BE CONSISTENT WITH COUNCIL POLICY 100-5 BY PROVIDING THE PUBLIC A 30-DAY NOTIFICATION. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-nay, Kehoe-yea, Stevens-yea, Warden-nay, Stallings-yea, McCarty-nay, Vargas-not present, Mayor Golding-yea.

ITEM-S500: In the Matter of Electricity Rates in the City of San Diego.

(Docketed at the request of Mayor Golding.)

Adopt the following resolution:

(R-2001-181) ADOPTED AS RESOLUTION R-293560

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D020-E224.)

MOTION BY MATHIS TO ADOPT WITH THE FOLLOWING AMENDMENTS:

1. PARAGRAPH 3 SHOULD READ: REQUEST THAT THE (FERC) CAP THE CURRENT WHOLESALE ELECTRICITY RATE IN THE WESTERN REGION TO AN APPROPRIATE LEVEL, AND IMPLEMENT A RATE HOLD ON FUTURE PRICES UNTIL THE INVESTIGATION IS COMPLETED SO PRICES CAN BE LOWERED IMMEDIATELY FOR THE AVERAGE SAN DIEGAN.

2. PARAGRAPH 7 SHOULD READ: REQUEST THAT THE CALIFORNIA ENERGY COMMISSION (CEC) EXPEDITE SITING AND FAST TRACK APPROVALS OF NEW GENERATION AND TRANSMISSION FACILITIES. DIRECT THE CITY MANAGER AND CITY ATTORNEY TO REVIEW THE CITY'S EXISTING POLICIES FOR SITING GENERATION FACILITIES.



3. PARAGRAPH 2 SHOULD READ: REQUEST THAT THE PUBLIC UTILITIES COMMISSION (PUC) HOLD IMMEDIATE HEARINGS IN SAN DIEGO TO DETERMINE WHETHER ELECTRICITY DEREGULATION IN CALIFORNIA HAS BEEN IMPLEMENTED PROPERLY AND THAT THE PUC AND LEGISLATURE TAKE IMMEDIATE APPROPRIATE STEPS TO CORRECT ANY PROBLEMS.

4. ADD TO THE PLAN PARAGRAPHS 1,2,3,5 (LISTED BELOW) FROM THE COUNTY RESOLUTION CHANGING MAY, 2000 TO JULY, 1999 ON ITEMS 2 AND 3:

1. REQUEST THAT THE CITY OF SAN DIEGO DECLARE SAN DIEGO TO BE IN A STATE OF ECONOMIC EMERGENCY;

2. REQUEST THAT THE CITY OF SAN DIEGO SOLICIT GOVERNOR GRAY DAVIS TO SUPPORT THE STATE OF EMERGENCY BY PROVIDING FINANCIAL ASSISTANCE DURING THE SUMMER AND THAT THE GOVERNOR INSTRUCT THE PUC TO IMPLEMENT RATE FREEZES BASED ON JULY, 1999, RATE OR LOWER;

3. REQUEST THAT THE CITY OF SAN DIEGO ASSIST AND URGE THE PUC TO IMPLEMENT A FREEZE ON ELECTRICITY RATES CHARGED TO SAN DIEGO RESIDENTS BASED ON THE JULY, 1999;

5. REQUEST THAT THE FEDERAL ENERGY REGULATORY COMMISSION INSTITUTE IMMEDIATE REGULATION OF WHOLESALE ELECTRICITY RATES.

REFERRED THE FOLLOWING ISSUES TO THE CITY MANAGER:

A. INVESTIGATE THE THOUGHT OF HAVING SOME TYPE OF RELIEF FUND FOR RATEPAYERS FROM THE INCREASE REVENUE FROM THE SDGE FRANCHISE FEE AND BRING BACK TO THE RULES COMMITTEE WITH SOME GOOD FIGURES AS TO HOW TO DEAL WITH IT.

B. TAKE THE REPORT ENTITLED "ENERGY 2000 TASK FORCE REPORT TO THE HONORABLE PETE WILSON MAYOR OF SAN DIEGO" DATED DECEMBER 1, 1980, AND REFER IT TO THE CITIZENS REVIEW COMMITTEE TO REVIEW AS A BASE.

C. AS PART OF THE CITY'S RESEARCH, VERIFY THAT THE CHECK CONSUMERS ARE TO GET IN THE MAIL AS A REBATE IS LEGITIMATELY CLASSIFIED AS A REBATE UNDER THE FRANCHISE AGREEMENT.

Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-S501: Budget Actions for FY 2000/2001.

(District-4.)

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S  
RECOMMENDATION:**

Adopt the following resolution:

(R-2001-142) ADOPTED AS RESOLUTION R-293561

Accepting loan repayments in the total amount of \$550,000 from the Mt. Hope, Project Area (\$250,000), Gateway Center West Project Area (\$200,000) and Southcrest Project Area (\$100,000);

Authorizing the appropriation and transfer of \$550,000 as a loan to the Redevelopment Agency for use in the Central Imperial Redevelopment Project Area.

**SUPPORTING INFORMATION:**

The funding sources for the CDBG loan repayment of \$550,000 are derived from disposition proceeds, tax allocation bond proceeds, interest income and tax increment generated in Mt. Hope, Southcrest, and Gateway Center West project areas. The proposed loan of \$550,000 would partially reimburse outstanding CDBG loans to the aforementioned project areas. The Agency will borrow back the total amount of \$550,000 to augment the Central Imperial Project Area (Imperial Marketplace). It should be noted that whenever SEDC receives CDBG funds from the City of San Diego CDBG Annual Allocation, the funding is recorded as a debt by the Agency. Repayment of CDBG loans is a financing mechanism allowed by the Redevelopment

Law. The above-mentioned funds will be used in the FY2000-01 Program Budget for project implementation costs. Loveland/Smith/DD

Aud. Cert. 2100082.

NOTE: See the Redevelopment Agency Agenda of July 25, 2000 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E225-238.)

MOTION BY STEVENS TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-nay, Vargas-not present, Mayor Golding-yea.

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 4:18 p.m.